



IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES H. WEST FARMS, INC.,	§	
	§	
Defendant Below-	§	No. 84, 2006
Appellant,	§	
	§	
v.	§	
	§	
CAROLYN MASTEN HUMES,	§	Court Below—Superior Court
DANIEL R. MASTEN, and	§	of the State of Delaware,
ARTHUR ROBERT MASTEN,	§	in and for Kent County
	§	C.A. No. 05C-08-042
	§	
Plaintiffs Below-	§	
Appellees.	§	

Submitted: February 27, 2006
Decided: March 9, 2006

Before **BERGER, JACOBS**, and **RIDGELY**, Justices.

ORDER

This 9th day of March 2006, it appears to the Court that:

(1) The defendant-appellant, Charles H. West Farms, Inc. (“West Farms”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated January 18, 2006. The Superior Court’s order denied West Farm’s motion to dismiss the plaintiffs’ complaint on the ground that the statute of limitations had expired.

(2) West Farms filed its application for certification to take an interlocutory appeal in the Superior Court on January 27, 2006. The Superior Court denied the certification application on February 27, 2006.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice